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### Constitutional dynamics and partisan conflict

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**Constitutional Dynamics and Partisan Conflict:****A Comparative Assessment of Multi-level Systems in Europe**

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**Abstract:** The case studies revealed that the constitutional nature of a multi-level system indeed shapes its modes of day-to-day intergovernmental coordination and, with it, the way competences are (re)allocated in the longer term. Both in federal arrangements and in confederations, the ‘subunits’ – whose status is constitutionally protected - could more easily defend their decision-making capacity within their areas of jurisdiction because they can veto changes in the allocation of competencies, an advantage lower-level governments in regionalized systems do not enjoy. Similarly, in federal and confederal systems day-to-day interaction in IGR predominantly took place in multilateral structures, while in regionalized systems bilateralism was more pronounced. The relative influence of party-political (in)congruence on IGR, in contrast, was more varied than theoretically expected.

**Keywords:** Multi-level systems, comparative federalism, institutionalism, party-political conflict, intergovernmental relations

## 1. Classical Institutionalism and the Study of Multi-level Systems

In this special issue we have sought to bring ‘classic institutionalism’ back into the study of multi-level systems. By focusing on the constitutional frameworks that distinguish these systems and by assessing their impact on intergovernmental dynamics, we distinguish ourselves from more recent ‘neo-institutionalist’ approaches. Unlike classical institutionalism, neo-institutionalism tends to be built on broader conceptions of ‘institution’ covering not only formal-legal structures, but also institutionally embedded norms and perceptions (Peters, 1999). We also take a distinctive approach from approaches of ‘multi-level governance’ which in its study of intergovernmental dynamics and policy outcomes emphasises a wide range of factors such as fiscal and economic resources, policy communities, policy networks or political leadership. In various combinations, these resources can indeed help governments to undercut constitutional patterns of authority and ‘work around’ a formal shadow of hierarchy (e.g. Rhodes, 1996; 2007; Bache and Flinders, 2004; Piattoni, 2010).

With the proliferation of these approaches, however, the question of how much of multi-level dynamics can be understood through a classic-institutionalist lens is rarely asked. In this special issue we have sought to reconnect with classic institutionalism by drawing from a scenario rooted in studies of ‘comparative federalism’. Using *federalism*, *confederalism* and *regionalism* as distinctive constitutional categories of multi-level government, we examined the extent to which the constitutional make-up of the polity generates different dynamics with regard to three dependent variables: (1) the nature of intergovernmental relations, (2) the longer term constitutional evolution of the multi-level system in terms of competence re-allocation and (3) the relative impact of party political incongruence across central and lower-level governments on those coordination processes respectively.

The constitutionally defined categories of federalism, confederalism and regionalism rest on two basic distinctions derived from the comparative federalism literature (Elazar, 1993; Sbragia, 1993; Watts, 1998; 1999). These are first, *whether or not lower-level governments in a multi-level system enjoy constitutional protection* (irrespective of the centre’s position) and second, *whether or not there is a constitutional hierarchy inherent in the system* (irrespective of whether the centre or the lower tier is constitutionally superior). *Confederations* have a weak and, in principle, subordinate centre. In *federations* the centre and sub-units share

sovereignty since both have a constitutionally protected status and cannot be unilaterally disempowered by the other tier of government. As a result, the ‘subunits’ can more easily defend their decision-making capacity within their areas of jurisdiction because they can veto changes in the allocation of competencies, an advantage lower-level governments in regionalized systems do not enjoy. In contrast, in *regionalized systems*, the centre – constitutionally speaking – has the final say, notwithstanding the presence of lower tiers of government with legislative powers (that might or might not be constitutionally entrenched).<sup>i</sup>

To examine a set of hypotheses derived from these two distinctions, we selected seven cases of multi-level political systems in Europe spanning the confederal-federal-regionalized divide. The UK and Italy qualify as regionalized systems, Germany, Switzerland, Spain and Finland’s arrangement with the Åland Islands qualify as federal. The EU which (despite the possibility of making decisions with qualified majority in the Council of Ministers) still requires unanimity to reallocate competences qualifies as confederal. As our comparative summary below illustrates, in line with our theoretical expectations, the findings in this special issue suggest that these different constitutional types of multi-level government exercise an enduring effect on day-to-day intergovernmental dynamics as well as on how competence allocation evolves over time. Furthermore, these varieties of multi-level government also affect the relative impact of party political incongruence across central and lower-level governments on intergovernmental coordination processes.

In the remainder of this conclusion, we summarize what each of these seven case studies tells us about the hypothesized relationships between these constitutional types of multi-level government and intergovernmental dynamics and the role of party-political (in)congruence in them. Before systematically comparing the case studies, we first recapture the essence of the assumed relationships between constitutional types of multi-level government and intergovernmental relations as derived from our ‘comparative federalism scenario’.

## **2. Constitution Categories of Multi-level Systems and their Implications for Intergovernmental Dynamics**

Briefly summing up our theoretical framework and starting with the dimension expected to shape the nature of intergovernmental coordination (both in terms of day-to-day processes and competence allocation), confederations and federal systems are similar in giving the

*lower-level governments (member-states or sub-national units) constitutionally entrenched policy autonomy and a direct say in competence (re)allocation.* As a reflection of this equal, constitutionally guaranteed status, we expected lower-level governments in confederations and federal systems to be more likely to engage in *multilateral structures of coordination*, both horizontally and vertically, than lower-level governments in regionalized regimes where the latter remain more directly dependent on the goodwill of the centre (H1). To compensate for their weaker constitutional status, we suggested each unit in a regionalized system will try to use whatever resources it has to get a good deal from the centre bilaterally, which implies that other factors should come into play to shape the nature of coordination, including cultural identity, population size or relative economic strength of the individual government unit. In the long run this behaviour on behalf of lower-level units was expected to reinforce the *asymmetrical competence distribution in the system*, while in confederate and federal systems intergovernmental dynamics are conducive to perpetuating a *symmetric (re)allocation of competencies*, since each government is in a constitutionally equally strong position to guard its autonomy, a rationale that underpins our second hypothesis (H2).

Next to the constitutional status of lower-level governments as one important dimension along which to distinguish multi-level systems, we expected the *presence or absence of a constitutional hierarchy* (with either the centre *or* the lower-level units as the dominant part), to shape the relative forcefulness with which partisan difference feeds into intergovernmental dynamics. In multi-level polities with a shadow of hierarchy (confederal or regionalized arrangements), the implicit threat that conflicts may lead to a unilateral withdrawal of competences initiated by the dominant level may motivate the constitutionally weaker units to opt for an overall cooperative strategy in which partisan differences are downplayed. By contrast, in federal systems, the absence of constitutional hierarchy implies that in periods of incongruence partisan differences fully feed into the system because neither level has to fear that a clash might threaten its basic constitutional status (H3).

Table 1 links our theoretical expectations to the seven case studies. The darker shadings in each of the three right-hand columns indicate which cases we expected to resemble each other with regard to each of the three hypotheses. The constitutional equality of lower-level units (regions) in *federal* and (states in) *confederal* systems was expected to favour the creation and usage of multilateral intergovernmental institutions, in which the participating governments are formally embedded as equal partners. This, in turn, was expected to produce

a tendency towards multilateral agreements and, in the longer run, to generate the symmetrical (re)allocation of competencies. Following our classification of cases in the introduction, we would expect such tendencies to characterize the European multi-level system as whole (a confederation) as well as dynamics in the four federal systems. In Italy and the UK, which are regionalized systems, tendencies towards bilateralism and asymmetry in competence allocation should prevail.

**Table 1:** Expected Dynamics in European Multi-level Systems

Type of Constitutional Regime	Cases	Expected Nature of Coordination (H1)	Expected Pattern of Constitutional Change (H2)	Expected Impact of Party (In)congruence (H3)
<i>Confederal Arrangement</i>	<b>European Union</b>	Multilateralism dominates over bilateralism/differentiated coordination	Symmetrical competence (re)allocation	Role of party (in)congruence limited
<i>Federal Arrangement</i>	<b>Switzerland Germany Spain Finland/Åland</b>	Multilateralism dominates over bilateralism/differentiated coordination	Symmetrical competence (re)allocation	Intergovernmental conflict if incongruence/integration if congruence
<i>Regionalized Arrangement</i>	<b>UK Italy</b>	Bilateralism/differentiated coordination dominates over multilateralism	Asymmetrical competence (re)allocation	Role of party (in)congruence limited

**Notes:** Same shadings imply same outcomes expected in respective categories.

As far as the relative impact of party-political (in)congruence in intergovernmental processes is concerned (either as a moderating factor if governments are congruent or as conflict-enhancing during periods of incongruence), the four cases in the federal category should be affected by this factor more strongly than either of our regionalized cases (the UK and Italy) or the European Union.

### 3. Multi-level Dynamics in Europe: The Analysis of Seven Case Studies

Table 2 provides an overview of the findings of the seven case studies. Mirroring Table 1, it displays the basic tendencies along the three hypotheses, providing significant considerable support for our ‘comparative federalism scenario’. Levels of party-political (in)congruence between the governments constituting a multi-level system can vary over time and we expect opposite effects – integration or conflict – depending on whether congruence or incongruence dominates. Therefore, Table 2 only gives information on the dominant picture for Hypothesis 3. Doing justice to the complexity of multi-level dynamics as displayed in the case studies, we further added a column displaying alternative factors that

also shape the dependent variables and in some cases such as the EU or Åland do so more strongly than the type of constitutional arrangement.

The overall patterns displayed in Table 2 confirm our basic expectations as derived from our three constitutional categories in most of the case studies, especially regarding H1 and H2 which refer to intergovernmental (short-and long-term) dynamics and the dynamics of competence (re)allocation. The findings only partially confirm the relative impact of party-political (in)congruence. We find two main sources that lead to empirical deviations from our theoretical expectations. Deviations emerge when certain fundamental preconditions for the applicability of our hypotheses are not met as in the cases of Åland and the EU (in both multi-level systems basic party linkages across governments operating on the same or distinct levels are absent; rendering party (in)congruence as a variable obsolete. Deviations also emerge where case-specific factors are more important to the intergovernmental dynamics than the factors identified by our framework, as is the case for Switzerland. In Switzerland, multi-level dynamics have been shaped more by the widespread occurrence of direct democracy than by party incongruence (Linder, 1994). Being case-specific, mechanisms of direct democracy fall outside the scope of our constitutional categories which have been kept deliberately abstract to be able to ‘travel across cases and context.

To systematically evaluate our ‘comparative federalism scenario’ and the constitutional categories from which it derives its hypotheses, the following sections will comparatively assess first H1 and H2 (II.1) and then H3 (II.2) in light of the findings of the seven case studies. On that basis, we then discuss factors important to our dependent variables outside of our framework (II.3).

**Table 2:** Multi-level Dynamics in Seven European Multi-level Systems

Regime Type	Case	Nature of Intergovernmental Institutions/Dominant Coordination Mode: Bilateralism vs. Multilateralism (H1)	Nature of Constitutional Change: Symmetry or Asymmetry of Formal Competence (Re)allocation (H2)	Dominant Trend in Party (In)congruence	Impact Party (In)congruence on IGR: Conflict if Incongruence/ Integration if Congruence (H3)	Alternative Factors Shaping IGR
<b>Confederal Arrangement</b>	<b>European Union</b>	Multilateralism	Symmetry (horizontally)	<i>Preconditions for In(congruence) not met (lack of party linkages)</i>	-	-Territorial interests/conflict -Origin as international organisation*
<b>Federal Arrangement</b>	<b>Switzerland</b>	Multilateralism	Symmetry (horizontally)	Long-term Congruence	<b>Weak Integrative Effect</b>	-Inter-party cooperation invited by direct democratic mechanisms* -Territorial interests/conflict
	<b>Germany</b>	Multilateralism	Symmetry (horizontally)	Periodic Incongruence	Intense Conflict Potential	-Territorial interests/conflict
	<b>Spain</b>	Multilateralism	Symmetry (horizontally)	Periodic Incongruence	Intense Conflict Potential	-Inter-party cooperation/ coalition formation, strong regionalist parties - Lack of shared rule at centre
	<b>Finland/ Åland (federacy)</b>	<i>Preconditions for Multilateralism not met (only one devolved unit)</i>	<i>Preconditions for Horizontal Symmetry not met (only one devolved unit)</i>	<i>Preconditions for In(congruence) not met (lack of party linkages)</i>	-	-Territorial interests/conflict -Finish-Swedish language barrier/geographical distance/small size* -Lack of shared rule at centre
<b>Regionalized Arrangement</b>	<b>UK</b>	Bilateralism	Asymmetry (horizontally)	Periodic Incongruence	Limited Conflict Potential	- Inter-party cooperation/ coalition formation, strong regionalist parties -Territorial interests/conflict - Lack of shared rule at centre
	<b>Italy</b>	Bilateralism	Asymmetry (horizontally)	Periodic Incongruence	Limited Conflict Potential	- Inter-party cooperation/ coalition formation -Territorial interests/conflict

**Notes:** Dynamics/patterns contradicting theoretical expectations in bold. \* Factor shaping multilevel dynamics only in individual systems (not discussed in 3.3 on rivalling factors).



*The Nature of Intergovernmental Dynamics: Day-to-Day Decision-making and Long-Term Evolution*

In line with hypotheses 1 and 2, we expected the patterns of IGR and the nature of competence (re)allocation to be distinct in regionalized systems as compared to confederations and federal systems. The case studies of Italy and the UK, our two regionalized arrangements, indeed reveal similarities in line with the hypotheses derived from our ‘comparative federalism scenario’.

As detailed in Palermo’s and Wilson’s analysis, the Italian system developed from a highly unitary state into a regionalized system that, especially after the 2001 constitutional reforms grants regional governments significant legislative competence. The latter, however, remain embedded in a highly centralized bureaucratic structure in which the central level still plays a dominant role in policy-making. This situation is reinforced by a powerful Constitutional Court that – thanks to inconsistencies in the institutional design – has played a decisive role in the interpretation of legal provisions and tended to support a rather centralist interpretation of the distribution of competences. Looking at the horizontal distribution of competences in the Italian regionalized state, we find fifteen ordinary status regions whose policy competences and financial resources are symmetrical, next to five special status regions with distinct statutes of autonomy that are periodically revised through bilateral agreements. While the relations between the ordinary status regions are organized in a multilateral fashion reflecting the symmetry of competence allocation among them, the centre kept the final say on decisions affecting their competence and resource allocation. Consequently, formal mechanisms for intergovernmental coordination remained relatively weak. The overall system of multi-level government in the Italian state remains weakly integrated and weakly institutionalized (multilateral bodies are advisory in the main and meet infrequently), with bilateralism as the dominant interaction mode, reflecting the asymmetry between ordinary and special regions as well as between different special regions (H1). The 2001 reform increased the limited competences of ordinary regions, yet did not introduce a symmetrical allocation. Interestingly, since 2001, individual ordinary regions could request additional powers from the Italian parliament – a potential source of asymmetry between ordinary regions as much as a potential way of reducing the gap between individual ordinary regions and special regions. However, the Italian parliament has never granted such a transfer, thereby maintaining the fundamental distinction between ordinary and special regions (H2).

Similar to the Italian regionalized system, the UK is characterized by a lack of strong multilateral intergovernmental bodies and dominated by bilateral relations, mirroring the asymmetrical nature of the British multi-level system. As Swenden and McEwen indicate in their analysis of UK devolution, the devolved regions are vulnerable to the ‘shadow of hierarchy’. Arguably, this is mainly the result of a lack of devolved shared rule at the centre. Furthermore, in theory, sovereignty still rests with the UK parliament and the powers of devolved assemblies are derived from Westminster statute. Therefore, in constitutional terms they lack the entrenchment of units in a federal state (but see III for the difference between constitutional norm and political practice). As a consequence, in intergovernmental disputes the UK government has the upper hand. Next to its constitutional supremacy, it has greater policy capacity than each of the devolved regions and controls the resources for territorial finance. While multilateral bodies are not absent in UK intergovernmental relations, prior to 2007 the Joint Ministerial Committee, the mechanism established for intergovernmental coordination between the UK government and the lower-level governments, was rarely used.<sup>ii</sup> Post 2007, when party incongruence increased following the entry of regional parties into devolved government in Scotland and Wales and the resumption of devolution in Northern Ireland, these structures became more relevant (see II.3). Bilateralism, however, remained the dominant mode overall and intergovernmental relations – despite the occasional assertiveness of the devolved administrations – particularly Scotland – remain hierarchical (H1). Because different autonomy arrangements apply to each of the devolved territories, the devolved governments use whatever resources they have to get the most out of the centre. As a result the long-term perpetuation of constitutional asymmetry and diversity is reinforced, which confirms H2 of our ‘comparative federalism scenario’.

In sum, there are significant differences between the Italian and UK regionalized state. The pronounced pluri-national nature of the UK (which predates devolution) feeds the particularly powerful position of Scotland (which will decide on independence from the UK in a referendum in September 2014). There is no comparable pendant for Scotland in the Italian state. Nonetheless, when considering the dominant logic of these two systems, we find remarkable parallels in the way IGR is structured by bilateral relations dominated by the centre and by the asymmetrical allocation of competences that seems to be built into these two systems. These tendencies are unlikely to change in the longer term being rooted in the fundamental hierarchy that favours the central tier over the subnational level and is constitutive for both of these multi-level systems.

Although Spain is sometimes considered a regionalized rather than a federal state, the contrast between the two regionalized systems and the evolution of Spain's multi-level system is indicative. In Spain central dominance is more constrained by the possibility of lower-level units to veto competence withdrawal, preventing the constitutional entrenchment of a central-regional imbalance. This pluri-national state – resembling in this respect the UK constellation more than the UK and Italy resemble each other – moved from dominant bilateralism towards multilateralism and from horizontal asymmetry towards symmetry, indicating that societal complexity does not necessarily lead to institutional asymmetry, in line with H2. Importantly, although Spain is often cited as an example of asymmetric federalism, reflecting the special constitutional status of its historical communities (in particular the Basque Country and Catalonia), its long term evolution has been one of constitutional ‘symmetrization’ (Requejo and Nagel 2012). This move to symmetrisation started with the Constitution of 1978 (which displayed considerable flexibility and openness about the nature of the devolution arrangement). However, extending regional autonomy to non-historic communities was contingent upon a parallel process of deepening regional self-rule overall, a requirement to retain the consent of the historic communities with the constitutional evolution of the multi-level system. This increasingly symmetrical devolution was accompanied by the increasing institutionalization of multilateral intergovernmental arrangements, while maintaining the initial bilateral institutions, which are still used for conflict resolution but less so for day-to-day interaction (H1). Having developed into a federal arrangement only recently, the nature of intergovernmental relations caught up accordingly, in line with our framework (see for more details on Spain II.3 below). A similar pattern we find in Belgium, a country not covered in this special issue, which over the last decades evolved from a unitary system into a fully-fledged federal state. Even though the tensions between the two biggest lower-level governments Flanders and Wallonia gives bilateralism a greater weight than theoretically expected, multilateralism has gained increasing importance with the growing symmetrisation of competences (Beyers and Bursens, 2006; Poirier, 2002; Deschouwer 2009).

In contrast to Spain and Belgium, Germany and Switzerland have been constitutionally federal for a much longer period. Institutionally speaking, these two federal systems tend to be categorized as instances of cooperative federalism, where negotiation is the dominant mode of interaction in the intergovernmental arena (Braun, 2000). In societal terms, however, they are very different. In the German federal system, the goal of equality of living conditions

underpins this ‘unitary federal’ system, fostering intergovernmental cooperation where it is constitutionally not strictly required (for instance in education). In contrast, Switzerland is a multi-lingual country in which local (cantonal and municipal) autonomy has traditionally been held high. As the case studies by Auel and by Füglistner and Wasserfallen illustrated, in each of the two systems the federal principle is constitutive and competences cannot be revoked unilaterally, stressing the equality of subunits, which led to strong multilateral institutions as the central horizontal coordination mechanisms in IGR. They underpin regular ministerial meetings in the range of policy fields lower-level governments are active in, as well as the meetings of the peak executives: in Germany the *Ministerpräsidentenkonferenz*, in Switzerland the *Konferenz of Kantonsregierungen* that function as umbrella organizations dealing with cross-cutting policy issues. This political layer of IGR is supported by a dense network of officials who prepare high-level meetings as well as keep daily processes of IGR going. In line with H1, multilateral arrangements are strong.

Inevitably, these dense, cooperative networks have long-term consequences. Füglistner and Wasserfallen stress that direct democratic mechanisms significantly add to the already multiple veto possibilities that slow down processes of constitutional change in the Swiss federal system. Yet reform processes are long-lasting and difficult in Germany (highly reluctant to embrace direct democracy) as well, since in both systems lower-level governments are in a strong position to have their voices heard and their interests considered in reform negotiations. The Swiss NFA reform (*Neuer Finanzausgleich*) was passed only in 2004, after 15 years of intense intergovernmental negotiations requiring a high level of consensus (though short of unanimity)<sup>iii</sup>. It introduced considerable changes in the competence allocation (it included 27 constitutional amendments, more than 30 modifications of law, and a total revision of the fiscal equalizations system). At the same time, in line with H2, the reform maintained the strong position of the cantons and the basic symmetrical competence allocation between them, which reflects the strength of multilateral intergovernmental structures, in which cantons are organized, that supported inter-cantonal cooperation throughout the reform negotiations.

Attempts to reform German federalism go back to the early 1990s, yet major reform attempts have failed until today. A lengthy reform process eventually began in 2003 with the aim of reducing joint decision-making, i.e. to strengthen the federal level’s autonomous decision-making capacity by reducing the Länder veto on national legislation in the second chamber, the Bundesrat, and by transferring powers from the federal level to the Länder. The results of this reform were, however, disappointing. While the unitary character of German

federalism has been often stressed, Auel's analysis shows that one major barrier to far-reaching reform has been the incapacity of the Länder to form a common position in negotiations with the federal government, due largely to the divide between rich and poor Land governments. Since German Unification, the rich Länder which spoke out most in favour of the proposed legislative and fiscal decentralizing reforms have formed a structural minority in the Bundesrat. They were willing to trade Bundesrat veto rights for greater autonomy. The less financially well endowed Länder, by contrast, had clearly no interest in changing financial structures from which they profited, and changes to the fiscal constitution had to be taken off the agenda before negotiations even started. Nor had they much to gain from greater legislative autonomy, preferring to retain their federal voice through the Bundesrat veto right instead. The federal government, as the third player in this configuration, tried to gain as much freedom from Bundesrat vetoes as achievable, while giving up as few legislative competencies as possible in exchange. The negotiations inevitably ended in a weak compromise. Thus, while the federal system has become more asymmetric since Unification in terms of the economic and budgetary situation of the Länder and the party system and despite considerable reform attempts, the formal constitutional framework has, leaving incremental changes aside, remained the same, echoing the expectations of H2.

Before moving to the next case covered in the special issue it is worthwhile to note that the parallels we observe in the Swiss and German case are not a result of their shared status as 'cooperative federalist' system (Braun, 2000). Taking a brief look at Australian federalism, a Westminster democracy with a very different political heritage, we find multilateralism in day-to-day interaction and constitutional negotiations to be similarly important. Intergovernmental processes yet again reflect the constitutionally powerful status of lower-level units, as visible in the central role of the Conference of Australian Governments (COAG) (Painter 1998; Brown 2002).

While the federal systems discussed so far support H1 and H2 derived from the comparative federalism scenario, Finland/Åland, a federacy, stands out. The relationship between Finland and Åland qualifies as a federal relationship but, as typical for *federacies* (see also Watts 1999; Stepan et al 2011), a basic pre-condition for multilateralism across lower-level governments is not given, namely the presence of multiple lower-level governments with substantive legislative powers with which Åland could cooperate horizontally. The hypotheses are therefore difficult to apply. While Finland is a unitary state with highly

centralized legislative competences<sup>iv</sup>, the Åland Islands enjoy significant exclusive legislative competences in a range of core policy areas and thus has a unique status in the Finnish state. As Hepburn's case study showed, while IGR are by definition bilateral and the competence allocation by definition highly asymmetrical (implying similarities with our two regionalized systems), the constitutional protection of Åland's status – the core of the case's classification as federal – is not without consequences, pointing to the relevance of the mechanism (constitutional protection of subunits) underlying H1 and H2. The island's constitutional status helped to protect its autonomy by encouraging a formalized bilateral relationship with the centre that is not driven by the centre's temporary priorities. This sets it apart from lower-level governments in regionalized systems in which centre-regional interactions are more strongly shaped by central dominance. Åland's representation in Finland takes the form of one constituency to the Finnish parliament. While the MP is expected to represent Ålandic interests in all Finnish affairs, influence is inevitably limited in a parliament of 200 representatives. This, however, is no major concern of Åland's parties which – being completely separate from the Finnish party system – prefer the expansion of self-rule over the strengthening of shared rule. The pendant to the Åland MP in Helsinki is the provincial Governor of Åland, appointed by the Finnish president. He is in charge of coordinating the relationship between Åland and the mainland, using the Åland Delegation, a joint organ constituted by the Autonomy Act of 1920, to resolve disputes. Despite these formal coordination mechanisms, however, they do not lead to a partnership between equals in practice. As a result of the Åland's small size, its peripheral location, which cut the islands off from the mainland, and the need to have conversations with the Finnish government in Swedish and not in Finnish, the Åland Islands have limited capacity to assure that the centre considers its concerns.

This limitation in terms of central-level access was long of little consequence for Åland's autonomy, given that the latter is constitutionally enshrined and could not be withdrawn by the Finnish government without Åland's explicit approval. It therefore simply led to each government tier to do its own thing with little interest in what the other was doing. However, the islands became vulnerable to 'autonomy leakage' – as Hepburn demonstrated in her article – in the course of European integration, a process that started in the 1990s and has by now led to considerable frictions between Åland and the Finnish government. In this process, competences – including those controlled by Åland – were Europeanized. While the Autonomy Act was amended in 2004 and 2009 to assure Åland's participation in EU matters, this could not compensate for Åland's loss in law-making competences in core areas such as

fisheries and the environment. The islands' influence on the Finnish government's position or direct access to EU decision-making have remained weak, a feature which the islands largely shared with 'regionalized' Italy and the UK. Thus, while Åland's autonomy is not under threat to be constitutionally revoked internally, which confirms our theoretical expectations, its autonomy is under threat, once considering Finland as part of the multi-level system of the EU.

This brings us to the EU as a supranational multi-level setting and the only confederation covered in this special issue. Parts of the literature have conceptualized the EU as a cooperative federal system (e.g. Scharpf, 1988; Börzel, 2005), given the relevance of joint decision-making at the EU centre (involving the direct participation of the member-states through the Council), and the distribution of tasks between the EU centre (regulation) and the member-states (implementation). However, the classification of the EU as confederation highlights the fundamental, constitutionally defined relationship between the 'centre' and 'sub-units' as the 'masters of the Treaty'. Taking this analytical perspective, compared with even the most decentralized federations, like Belgium, Canada or Switzerland, the EU has a much weaker centre and the member states constitute much stronger 'sub-units' (Bartolini, 2008) than the 'cooperative-federalist analogy' implies (Swenden, 2004; Bolleyer and Börzel, 2010). The status of the member states is constitutionally protected and they still control competence (re)allocation (i.e. can re-nationalize competences if a consensus can be reached on it), meeting our definition of confederation.

The EU's long-term dynamics are in line with H1 and H2, despite the considerable increase of its internal complexity after several rounds of EU enlargement. Intuitively, one might argue that the high costs imposed by the highly formalized, multilateral structures in the EU protecting the equality of member states (in federal systems these structures have often no statutory basis and constrain governments less) and the ever larger number of member states embedded in them (increasing heterogeneity and thereby conflict) should generate incentives to shift towards more flexible modes of coordination as well as formal opt-out mechanisms, thereby *weakening* the multilateral nature of IGR in the EU. Yet as Bolleyer's and Börzel's analysis shows, we find a different pattern: member states were reluctant to undermine the legal coherence of the EU, which protected multilateral modes of day-to-day coordination (H1) and prevented a move towards a more asymmetrical allocation of competencies (H2). While the progressive deepening and widening of the EU has exacerbated the conflict between the majority of member states supporting further integration and more 'reluctant' Europeans (e.g. the UK, Denmark or the Czech Republic), forms of

differentiated integration have remained the exception and are mostly temporary as the reluctant usage of opt-outs indicates. This reveals interesting parallels to Auel's assessment of German federalism. After five (relatively poor) new governments had joined Germany following Unification, the disparity between territorial interests became more pronounced and made horizontal coordination much more difficult – as the case in the EU after successive rounds of enlargement - but the constitutional imprint of the system provided a strong barrier against breaking with the basic logic of the system, despite major reform attempts.

In essence, while the picture is more mixed than theoretically expected, we find party-political incongruence to feed into IGR more forcefully in the context of federal systems than in regionalized ones. This final conclusion is again echoed by studies on systems not covered in this special issue. Both in Australia and in Belgium – two federal systems - IGR are more adversarial in periods of party-political incongruence across units and levels (Swenden, 2002; Deschouwer, 2009; Bolleyer and Bytzek 2009; Galligan, 1995; Painter 1998). In India, in contrast, conflict can be resolved unilaterally by the use of federal emergency powers, in particular, President's Rule which gives then central government the power to overtake a state government, a clear expression of a central-regional hierarchy (Dua 1981). In recent decades, coalition government at the Indian centre and Supreme Court interference have contributed to a much less frequent use of these Emergency Powers, paving the way for a much stronger effect of party incongruence on IGR (Sáez 2002; Sathe 2002).

### *The Role of Party (In)Congruence in Intergovernmental Relations*

Moving to the third and last hypothesis, the federal category was expected to contain those cases in which party (in)congruence has the most pronounced effect on IGR while intergovernmental disagreement is expected to be downplayed in regionalized and confederate systems because of the weaker position of the regional and confederal levels respectively. Compared with H1 and H2 the results are more mixed, since neither Finland/Åland nor the EU meet the necessary pre-conditions for (in)congruence to have an effect on IGR, given the bifurcated nature of their party systems. Party incongruence is not applicable in the context of a bifurcated party system because it presupposes linkages between parties that operate in a multi-level system through a shared frame of reference regarding the nature of conflict and the issue dimensions along which competition between parties evolves not only *within* individual arenas but also *across* them. In other words it



presupposes the presence of at least some polity-wide or ‘state-wide’ parties. Both Hepburn as well as Bolleyer and Börzel stressed a disconnect between parties operating in different units or levels of these multi-level systems, which prevents the meaningful application of the concept.

Furthermore, according to Füglistner and Wasserfallen, party congruence has a relatively weak integrative effect as compared to inter-party cooperation (consociationalism). In Switzerland oversized governments on the cantonal and federal level generate permanent congruence, which means – as theoretically expected – partisan conflict is of limited relevance. At the same time, however, the positive, integrative effect of intra-party linkages (i.e. of linkages between the same parties operating simultaneously in different government units) is less relevant than the fact that inter-party cooperation is encouraged by the presence of the direct-democratic mechanism of the facultative referendum which incentivizes the formation of oversized governments in the first place (Neidhart, 1970). Naturally, intra- and inter-party cooperation are necessarily closely interwoven in systems that are governed by multi-party coalitions composed of similar sets of parties, since a basic level of intra-party coherence is a precondition for inter-party cooperation.<sup>v</sup> Yet Füglistner and Wasserfallen indicate in their contribution that communication channels and linkage across arenas is not predominantly provided by ideological and organizational loyalty generated by the belonging to the *same party operating across different arenas* but by the institutionally induced culture of forming oversized governments in the cantonal and federal arenas. While this finding does not contradict our theoretical expectations, it provides a more nuanced picture of the role of party linkages.

Moving to the patterns displayed by the four remaining countries, is party incongruence a less disruptive force in the two regionalized arrangements Italy and the UK than it is in the two federal arrangements Spain and Germany as hypothesized initially?

As Swenden and McEwen’s analysis of the UK illustrated, party-political incongruence is a rather recent phenomenon and became a more widespread feature of devolution, only since the devolved elections of 2007, and especially since the Westminster general election of 2010 which generated full incongruence in the composition of multi-level governments across the UK (see also McEwen et al, 2012). Before this period, IGR was overall co-operative, facilitated by the prevalence of the Labour Party in government across mainland Britain from 1999-2007. Whether in the Westminster or the devolved arenas, the Labour Party broadly

shared policy and political agendas, minimising the likelihood of conflict emerging. Personal links and friendships further helped to ensure mutual trust, and facilitated inter-ministerial negotiation and compromise when necessary, thus echoing the importance of intra-party channels for linking governments in times of congruence. While any conclusions on the impact of the shift towards more incongruence in the UK multi-level system has to be preliminary, the UK case suggests that the effect of party-political incongruence on the dynamics of IGR has remained limited, also (albeit not exclusively) as a result of the UK's non-federal setting. Pragmatic IGR have prevailed even when devolved self-rule is exercised solely by a nationalist party which seeks independence from the UK, as has been the case for Scotland since 2007. Intergovernmental agreement between the UK and the Scottish governments could even be reached on the process of organizing a referendum on Scottish Independence in September 2014, notwithstanding the diametrically opposed stance of the parties in the UK and Scottish governments on the issue. That said, both the Welsh and the Scottish government became more assertive in their interaction with the UK government post 2007. Yet rather than leading to more conflict, the mode of IGR became moderately more institutionalised, with more use of formal multilateral fora, although bilateralism has remained the dominant mode.

Similar to the UK, party incongruence has had a limited effect on IGR in the Italian regionalized state. As we have seen earlier, in Italian IGR, the central government still has the last word. While this reduces the assertiveness with which lower-level governments fight for their party-political positions when in conflict with the central government, it does not render party politics irrelevant to intergovernmental dynamics. Presidents of regional governments that have been governed by the same coalition for a longer period have more often unified to protest against central governments governed by a rivaling party coalition. In a similar vein, and reminiscent of the Spanish case where constitutional litigation was used strategically by Autonomous Communities against the centre, all important cases of intergovernmental constitutional litigation were initiated by regions governed by the Communist Party, opposing the national government. At the same time, territorial interests can trump partisan affiliation in IGR. In a concerted effort to consolidate their regional legislative powers and curtail 'unfunded mandates' imposed upon them by the centre, regional presidents (and governments) have occasionally formed a cross-partisan front, cross-cutting the 'government-opposition divide' at the centre. Reinforcing the limited impact of vertical incongruence, congruence across levels tended to be restored relatively quickly, weakening the potential for a party-politically driven counter-mobilization of regions against the central government and

its policies. As Palermo and Wilson report, centre-left defeat on the regional level in 2000 was followed by centre-left defeat on the national level a year later, while centre-right defeat in 2005 was followed by centre-right defeat in the centre in 2006.

In essence, as in the assessment of H1 and H2, we again find parallels between Italy and the UK in line with our theoretical expectations. Comparing in the following the role of party-political incongruence in the two federal systems Spain and Germany further substantiates our ‘comparative federalism perspective’, since in these two settings party-political incongruence has been considerably more disruptive than in the UK and Italy.

Starting with the Spanish federal system, since transition in the late 1970s, we found regular periods of considerable incongruence, which fed strongly into intergovernmental dynamics. Incongruence has frequently been considerable. The party composition of regional governments has been dominated in the last decade, similarly to the national level, by the three main state-wide parties – Socialist Party (PSOE), the People’s Party (PP), and United Left (IU)– and by several regional, AC-based or non-state-wide parties. Several non-state wide parties had a pivotal position on the national level as majority provider for national minority governments, while on the regional level non state-wide parties are in parliament or cabinets in all but three regions. In Catalonia, the Basque Country, Galicia, Navarre and the Canary Islands they have given rise to distinct regional party systems. Vertical incongruence has had a major impact on the nature of IGR. Aja and Colino’s contribution points at the party political motives underpinning a large number of jurisdictional conflicts lodged before the Spanish Constitutional Court by the central government or by the regional governments between 1983 and 2010. A majority of these came from three or four ACs that are usually ruled by one regional nationalist party or by the party in central opposition. Furthermore, and this resembles the dynamics we find in German federalism, party confrontation in IGR has been particularly visible when the main opposition party at the centre governs the large ACs. This dynamics emerged in recent times (2004-2011), when the Popular Party was in opposition at the central level and used intergovernmental bodies to impede or block the implementation of central policies in significant areas, such as long-term care programs for electoral reasons. Similar tendencies of regional government in partisan opposition to the central government party appeared in intergovernmental bodies in charge of fiscal consolidation efforts. While in Europeanized areas there are external pressures on intergovernmental bodies to find a shared solution, in domestic areas this strategizing can

lead to coordination failure and deadlock. As expected by H3, party-political incongruence is one major element affecting IGR.

Similar dynamics are found in German federalism. Auel's analysis showed that levels of congruence across governmental levels have changed significantly since the foundation of the German Republic, fundamentally shaping multi-level dynamics and the problem-solving capacity of the regime. Starting out with high levels of congruence in the early years, incongruence made its appearance when the first federal SPD-FDP coalition (1969–82) faced a hostile CDU majority in the Bundesrat. Since then, with the exception of the first half of Helmut Kohl's chancellorship (1982 – 1990), party-political incongruence across governmental levels has been a constant feature of German politics. As a response to party-political polarization and signalling their readiness to exploit strategic opportunities arising from their veto potential in the second chamber, since the 1970s Länder have started to convene in two sets of informal meetings according to the coalition majority. These informal gatherings of so-called 'A-Länder' (SPD-led) and 'B-Länder' (CDU- or CSU-led) serve to coordinate the party line prior to formal Bundesrat meetings. Vice versa, to avoid immobilism, the federal government started to revise draft legislation 'in anticipation of bicameral deadlock' and thereby managed to reduce the number of bills vetoed by the Bundesrat considerably. Unification had a major impact on the German party system. It led to the emergence of the Party of Democratic Socialism (PDS, successor to the former GDR Unity Party SED), which first was considered a regional party of the East, but managed to establish itself as the Left Party also in the West after its merger with the West German WASG<sup>vi</sup>, a new left party, in 2007. Today, party competition in the East is basically tripolar between the CDU, SPD and the PDS/Left List, while in the West it moved towards 'moderate pluralism' with increasingly weakening CDU/CSU and SPD and three minor parties, the Greens, the FDP and the Left Party. While this increased complexity made congruence as such less likely, it does not necessarily increase conflict or confrontation. The asymmetry of the party system made party competition more fluid due to the large number of mixed coalitions at the subnational level, i.e. Länder are no longer easily grouped into government supporting and opposition groups, which considerably changes the party-political dynamics of IGR. A confrontation of two coherent Länder blocks has become less likely, especially since territorial conflicts gained importance and cut across partisan configurations as Auel's analysis points out.

*An Assessment of Rivaling Factors: Undermining or Complementing Constitutionally Driven Dynamics?*

While many of the cases analyzed broadly correspond to the theoretically expected patterns, realities are inevitably more complex and differentiated than implied by the categories confederal, federal and regional multi-level system. Table 2 has already presented information on alternative factors that a range of case studies identified as significant influences on IGR, which were not part of our theoretical framework: first, inter-party cooperation and patterns of coalition formation, including the strong presence of regionalist parties in lower-level governments, a factor closely tied to our factors of party-political (in)congruence, although not equivalent to it; second, the importance of territorial as compared to partisan interests including conflicts over the distribution of financial resources in the system and third, the nature of shared rule arrangements in the centre.<sup>vii</sup> Each of these factors cut across our three constitutional categories and impact on multi-level dynamics. However, they do not question the connection between our constitutional categories and their impact on our three dependent variables as laid out above.

These three factors identified by several of our case studies echo important distinctions long introduced in the comparative federalism literature. First, the nature of party competition and coalition formation is shaped by societal lines of conflict alluding to the *distinction between mono- and pluri-national systems*, stressing the importance of the societal underpinning of multi-level systems that can be more or less conducive to the rise of regionalist or ethno-territorial parties (Meguid, 2005; Keating 2001; Stepan et al 2011). Our framework does not discriminate between vertical incongruence involving different state-wide parties and incongruence involving the presence of one or several stateless nationalist or regionalist parties. Regional demands for more decision-making competencies or even independence could strain intergovernmental relations with the centre, in addition to conflicting ideological preferences with regard to non-territorial issues.

Adopting a cross-national perspective though, the inclusion of the pluri-national UK does not distort the general observation that in terms of intergovernmental dynamics, the UK has more in common with Italy, a mono-national, much less heterogeneous system - than with pluri-national federal systems like Spain (Moreno, 2000). This underscores the importance of basic constitutional distinctions shaping intergovernmental dynamics despite societal differences cross-cutting them. Even if the Scots opted for independence in the upcoming referendum,

the UK case still confirmed the basic ‘asymmetrical logic’ of the polity as far as it refers to the unequal treatment or position of lower-level governments since independence is the most extreme form of a lower-level unit exploiting its specific status and its special bargaining power to get a particular deal from the centre that is very different from any possible deal for Wales or Northern Ireland. At the same time, we must acknowledge that the Scottish situation deviates from the idea of central-regional hierarchy constitutive for a regionalized multi-level system as defined earlier, a hierarchy which more appropriately describes the relationship between Westminster and Wales, where devolution is more constrained.

A second important distinction that cross-cuts our categorization and that is linked to the (relative) importance of territorial interests is the path-dependent effect of the type of state formation (Riker, 1964; Sbragia, 1993; Stepan, 1999; Ziblatt, 2006) on IGR. Are we dealing with a ‘holding together’ system in which lower-level governments have been gradually empowered starting out from an initially centralized state, such as the case in Spain, and Italy or are we considering a ‘joined-up’ or ‘coming together federation’, which results from the unification of formerly autonomous regional units? The coming together nature of the EU and Switzerland is clear but a similar dynamic underpins the Finnish/Åland arrangement, whose nature was shaped by the fact that the belonging of Åland to the Finnish rather than the Swedish state was highly contested and its eventual integration in the Finnish state no matter of course.<sup>viii</sup> The recognition of the UK as ‘pluri-national’ predates devolution and is reflected in the history of the UK as a ‘union-state’ rather than unitary state between 1707 and 1999, in which Scotland in particular received special recognition.

While territorial interests are relevant to IGR in any multi-level system as our case studies illustrate, how a system has been formed is likely to influence the relative weight of territorially defined lines of conflict, which are dominant in the EU and Finland/Åland and clearly important in Switzerland, while party linkages are ineffective as a counterweight to fragmentation in the two former cases and relatively weak in the latter. Systemic dynamics are inevitably influenced by the nature of a multi-level system’s origin but again the question is whether this influence undermines the relevance of our constitutional distinctions. McKay (2001) – comparing the EU to a range of federal systems in terms of institutional evolution and partisan dynamics – came to the conclusion that the EU and Switzerland have the most in common since both multi-level arrangements had been created by formerly independent units and in the process sought to reconcile multi-national and multi-lingual lines of conflict. While the above case studies echo this, the comparison of the EU and Swiss dynamics to multi-

national, regionalized systems such as the UK in this special issue also suggests that the tendency towards multilateralism and symmetry is linked to similarities in the constitutional framework, the strong position of lower-level governments (i.e. of EU member states and of cantons respectively). Strong multilateral intergovernmental machineries could be established *despite* the diversity of the societies and of lower-level governments which these multi-level systems had to integrate, not *because* of it. The constitutionally enshrined equality helped to create intergovernmental institutions that recognize this equality, even though they take a much more formalized form in the EU than in Switzerland, where – as in many federal systems – intergovernmental bodies have no statutory basis (Bolleyer and Börzel, 2010).

Returning to the question how important the origin of a federal system is for the latter's internal dynamics, being formed by formerly independent units explains why lower-level governments enjoy an equally protected status, since such assurance can be considered as a fundamental condition for joining such a new union. However, not all federal multi-level systems in which lower-level governments enjoy equal constitutional protection are necessarily 'coming together' systems. As Spain but also Belgium demonstrates, initially centralized states might develop into regionalized and then into federal ones, which eventually give lower-level units equal constitutional status. The Spanish case is particularly interesting here as a devolved system that started out from considerable asymmetry between Autonomous Communities and a strong tendency towards bilateralism. As Aja and Colino show in their analysis, in line with a successive process of reforms that led to the homogenization of regional institutions and an increasingly symmetrical competence allocation in line with other federal systems, the intergovernmental machinery shifted towards multilateralism as described earlier.

At the same time, despite this remarkable adaptation, the lack of any institutionalized access to central law-making through a territorial second chamber, access enjoyed by the German Länder as well as the EU member states (Sbragia, 1993), is reminiscent of the Spanish system's early status as a regionalized state, which brings us to the third factor stressed as important by our case studies that does not form part of our framework: the nature of shared-rule arrangements. Spain shares this characteristic that weakens the position of lower-level governments in a multi-level system with regionalized states such as the UK and Italy but also with the, in constitutional terms, federal Finland-Åland relationship. That this structural weakness did not stop the Spanish state from adopting increasingly 'federal patterns' in terms of intergovernmental multilateralism and competence symmetry substantiates our initial decision to consider shared rule arrangements as a factor that is

relevant for IGR but not constitutive for our constitutional classification (see Table 2, in the introduction).

#### **4. The Merits and Limitations of Constitutional Categories to Study Multi-level Systems**

While our constitutional categories are relatively abstract, the case studies suggest that they indeed systematically shape distinct lines of authority and hierarchy in multi-level systems. As we have seen in the comparative assessment of the findings, with the exception of the Finland/Åland federacy, all case study chapters found patterns in line with H1 and 2. Day-to-day IGR and the nature of constitutional change in regionalized systems systematically differ from those in federal systems and confederations. The nature of the constitutional setting – more precisely the constitutional entrenchment of lower-level governments' equal status in the multi-level system as a whole - showed an immediate impact on the structures created to respond to vertical and horizontal coordination demands in a multi-level system and constrained the way in which the constitutional setting is altered over time. While we found that societal characteristics (e.g. the pluri-national character of a country) complicate and to some extent alter multi-level dynamics as compared to homogeneous countries, it is telling that although we found pluri-national countries in the regionalized category (UK), the federal category (Spain) and the confederate category (EU), the constitutionally induced differences prevailed nonetheless. Consequently, the distinction between pluri- and mono-national countries does not question our approach of considering constitutionally generated dynamics as the main driver of intergovernmental dynamics. Nor can this distinction be seen as a determinant of the constitutional nature of the system as captured by our three categories (i.e. as societal precondition), since the distinction cuts across them. While multi-level systems formed by initially independent governments are likely to lead to the adoption of a constitutional framework protecting the equal status of these governments, this mode of formation is no necessary condition for the latter, as the Spanish case illustrated. Neither does the pluri-national nature of a society necessary lead to the adoption of such a setting as the case of the UK suggests.

Moving on to H3, sources of intergovernmental conflict proved more complex than implied by our hypothesis stressing the importance of the presence or absence of a constitutional hierarchy between central and lower-level governments. While the dynamics in the UK and



Italy as regionalized systems and Spain and Germany as the federal cases showed differences in line with our expectations, three cases showed partially different patterns from those we expected. The substance of conflict is central to H3, and empirically, this is not only or predominantly shaped by party competition but also by societal divisions, which - as our case studies indicated - shape the relative weight of territorial conflict. The constitutional setting plays an important role in how strongly territorial interests feed into central decision-making, as Sbragia (1993) stressed in her seminal article comparing the EU to Germany in which she highlighted parallels between the Bundesrat and the Council of Ministers. Yet for party-political incongruence to be able to play a dominant role and for territorial interests to have less weight in intergovernmental dynamics, parties need to share a frame of reference regarding the nature of conflict and the issue dimensions along which competition between them evolves horizontally and vertically. A fundamental disconnect between the inter-party competition that takes place within the individual arenas that constitute a multi-level setting as the case in Finland/Åland and the EU undermines the capacity of parties to become vertical and horizontal channels for conflict or structures of communication and cooperation.

In sum, the cross-national analysis in this special issue suggested that by deriving expectations from abstract analytical distinctions about multi-level dynamics, we can more easily 'cut across' specificities that indeed exist for each case and identify similarities and differences more effectively. Hence, while individual cases – as Finland/Åland, the EU and to some extent the UK and Switzerland indicated - will inevitably only correspond to these expectations in part, we prefer this to a 'sui generis' approach that takes the uniqueness or the idiosyncrasies of a particular case – for instance, the dominance of direct-democratic mechanisms in the Swiss case - as its starting assumption. Doing so risks undermining cross-national comparisons from the outset. Abstract, in our case constitutionally defined, categories helped to filter out genuinely 'case-specific' features. Sometimes these features constitute real idiosyncrasies and lead to patterns fundamentally different from other multi-level systems. However, as the case studies in this special issue suggested, despite the diversity of the systems covered, these idiosyncrasies usually do not override those factors that shape multi-level dynamics in other systems as well.

## References:

- Bache, I. and Flinders M. (2004) *Multi-level Governance*. Oxford: Oxford UP.
- Bartolini, S. (2005) *Restructuring Europe: Centre Formation , System Building and Political Structuring between the Nation-State and the European Union*. Oxford, Oxford University Press
- Beyers, J, and Bursens, P. (2006), *The European Rescue of the Federal State: how Europeanization shapes the Federal State*, *West European Politics*, 29, (11), 1057-1078
- Börzel, T. A. (2005) *What Can Federalism Teach Us About the European Union? The German Experience*, *Regional and Federal Studies* 15 (2): 245-257.
- Bolleyer, N. (2011). *The Influence of Political Parties on Policy Coordination*, *Governance* 3 (24): 467-492.
- Bolleyer, N. and Börzel T. A. (2010) *Non-Hierarchical Policy Coordination in Multi-level Systems*, *European Political Science Review* 2 (2): 157-185.
- Bolleyer, N. and Bytze E. (2009) *Government Congruence and Intergovernmental Relations*. *Regional and Federal Studies* 19 (3): 371-97.
- Braun, D. (ed.) (2000). *Public Policy and Federalism*. Aldershot: Ashgate.
- Brown, D.M. (2002) *Market Rules: Economic Union Reform and Intergovernmental Policy-Making in Australia and Canada*. Montreal and Kingston: McGill-Queen's University Press.
- Deschouwer, K. (2009) *The Politics of Belgium, Governing a Divided Society*. Basingstoke: Palgrave-Macmillan.
- Dua, B. (1981) *India. A study in the Pathology of a Federal System*, *Commonwealth & Comparative Politics* 19 (3): 257-75
- Elazar, D. S. (1993) *International and Comparative Federalism*, *PS: Political Science and Politics* 26 (2): 190-195.
- Galligan, B. (1995) *Intergovernmental Relations and New Federalism in Galligan, B., A Federal Republic. Australia's Constitutional System of Government*, Cambridge: Cambridge University Press, 189-213.
- Keating, M. (2001) *Nations against the State. The New Politics of Nationalism in Quebec, Catalonia and Scotland*. Basingstoke: Palgrave-Macmillan
- Linder, W. (1994) *Swiss Democracy: Possible Solutions in Multicultural Societies*, London: Macmillan.

- McKay, D. (2001) *Designing Europe. Comparative Lessons from the Federal Experience*. Oxford: Oxford UP.
- McEwen, N. Swenden, W and Bolleyer N. (2012) Introduction: Political Opposition in a Multi-Level Context, *British Journal of Politics and International Relations* 14 (2): 187-197
- Meguid, B. (2005) Competition between Unequals: the Role of Mainstream Party Strategy in Niche Party Success, *American Political Science Review* 99 (3), 347-359
- Moreno, L. (2000) *The Federalization of Spain*. London: Frank Cass.
- Neidhart, L. (1970). *Plebiszit und pluralitäre Demokratie. Eine Analyse der Funktion des schweizerischen Gesetzesreferendums*. Franke: Bern.
- Painter, M. (1998) *Collaborative Federalism: Economic Reform in Australia in the 1990s*. Cambridge: Cambridge University Press.
- Peters, G. B. (1999) *Institutional Theory in Political Science: The New Institutionalism*, London/New York: Pinter.
- Poirier, J. (2002), Formal Mechanisms of Intergovernmental Relations in Belgium, *Regional and Federal Studies*, 12, (3), 32-50
- Piattoni, S. (2010) *The Theory of Multi-level Governance*. Oxford: Oxford UP.
- Rhodes, R.A.W. (1996) The New Governance: Governing without Government. *Political Studies* XLIV: 652-67.
- Rhodes, R.A.W. (2007) Understanding Governance: Ten Years on, *Organization Studies* 28 (08): 1243-64.
- Riker, W. (1964) *Federalism: Origin, Operation, Significance*. Boston: Little, Brown.
- Sáez, L., (2002) *Federalism without a Centre. The Impact of Political and Economic Reform on India's Federal System*, New Delhi: Sage Publications
- Sathe, S.P., (2002). *Judicial Activism in India. Transgressing Borders and Enforcing Limits*, New Delhi: Oxford University Press
- Sbragia, A. (1993) The European Community: A Balancing Act, *Publius* 23 (3):23-38.
- Scharpf, F. W. (1988) The Joint-Decision Trap: Lessons from German Federalism and European Integration, *Public Administration* 66 (3): 239-278.
- Stepan, A. (1999), 'Federalism and Democracy. Beyond the US model', *Journal of Democracy*, 10, (4), 19-34
- Stepan, A., Linz J.J. and Yadav Y. (2011) *State-Nations: India and Other Multinational Democracies*, Baltimore: Johns Hopkins University Press.

- Swenden, W. (2002) Asymmetrical Federalism and Coalition-Making in Belgium, *Publius: The Journal of Federalism* 32 (3): 67-88.
- Swenden, W. (2004) Federalism and Second Chambers: Regional Representation in Parliamentary Federations. The German Bundesrat and Australian Senate Compared, Brussels: PIE-Peter Lang, Federalism and Regionalism Series, No.2.
- Swenden, W. (2004) Is the European Union in Need of a Competence Catalogue? Insights from Comparative Federalism', *Journal of Common Market Studies* 42 (2): 371-392
- Swenden, W. (2006) Federalism and Regionalism in Western Europe, A Comparative and Thematic Analysis. Basingstoke, Palgrave Macmillan.
- Thorlakson, L. (2009). Patterns of Party Integration, Influence and Autonomy in Seven Federations, *Party Politics* 5 (2): 157-177.
- Watts, R. L. (1998) Federalism, Federal Political Systems, and Federations. *Annual Review of Political Science* 1: 117-137.
- Watts, R. L. (1999) Comparing Federal Systems. Montreal: Mc Gill-Queen's University Press.
- Ziblatt, D. (2006) Structuring the State. The Formation of Germany and Italy and the Puzzle of Federalism, Princeton: Princeton University Press.

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<sup>i</sup> Usually, but not always, the constitutionally protected status of lower-level governments is linked to shared rule requirements, i.e. the extent to which sub-units can participate in central decision making, usually via a second chamber (Swenden 2004). Whether lower-level governments in federal arrangements *also* have a say about national law making naturally affects their overall strength towards the centre and therefore has implications for how clearly our hypotheses play out. However, we did not expect this feature to qualitatively alter the basic systemic logic captured by our categorization, which is why our classification does not refer to shared rule mechanisms as constitutive element.

<sup>ii</sup> The JMC Europe was an exception to this rule.

<sup>iii</sup> Only 3 of 26 cantons opposed it.

<sup>iv</sup> Considerable administrative matters are decentralized to the local level though.

<sup>v</sup> Cross-national studies that systematically place Swiss parties in the context of other federal systems, rather than engaging in a single-case study as presented in this special issue, indicate that party linkages are weaker in Switzerland (where in the cantons parliaments and executives are separately elected) than in parliamentary federal systems such as Germany or Canada, for instance. At the same time, once compared with the US as the other extreme where parties as organizations are institutionally undermined by open primaries for the selection of candidates, it becomes clear that intra-party linkage provide one precondition for bridging inter-institutional divides within government units and one underpinning for cooperative IGR between oversized, consociational governments (Thorlakson 2009; Bolleyer 2011). Looking at the nature of parties, Switzerland shares more similarities with consociational Belgium (although there the party system is bifurcated) than with the institutionally similarly fragmented US system, since at least until 2004 there has been a tendency for Socialists, Liberals and CD from across the Dutch- and French-speaking party systems to join in federal government or opposition due to ideological affinities (Swenden 2002; Deschouwer 2009).

<sup>vi</sup> The Electoral Alternative for Employment and Social Justice (Wahlalternative für Arbeit und soziale Gerechtigkeit) was founded 2004.

<sup>vii</sup> Factors identified by Table 2 that only concern individual cases such as the origin as international organisation in the case of the EU or direct democracy in Switzerland are not considered.

<sup>viii</sup> Germany is difficult to classify. While it has a historical tradition of regional, administrative autonomy but the federal system created post-1945 can hardly be described as ‘coming together’ federation.